

R E M A R K S

Substance of an Interview with the Examiner

The undersigned had a telephone interview with Examiner Manoharan on October 28, 2010 to attempt to obtain clarification of the 35 USC 112, second paragraph rejection and the obviousness rejection set forth at the top of page 3 of the October 13, 2010 Office Action.

1. With respect to the 35 USC 112, second paragraph rejection on page 2 of the Office Action, during said telephone interview, Examiner Manoharan stated that the following terminology in step (c) of claim 24 was ambiguous:

 "...separating the first gas when the third gas, which is then blown into the first vaporizing gas, which is then blown into the first vaporizing means in step (a)."

The Examiner suggested that an explanation or a claim amendment (supported in the specification) be made to indicate how the "first gas" is separated in the condensing means.

During said telephone interview with Examiner Manoharan, the Examiner stated that the terminology in claim 27 (which is a "system claim and is therefore considered by the Examiner to be

an "apparatus claim"), lines 3 to 14, was directed to process features, rather than to structural features. The Examiner suggested that such terminology be amended to replace the process features with structural features which are supported in the specification.

2. As discussed hereinbelow, claims 24-16/24 and 27 to 29 were rejected under 35 USC 103 as being unpatentable over JP 55-102401 with or without JP 2000-185201 or Rajakovics et al. (USP 4,043,875).

In the above rejection, the Examiner confirmed that "26/24" means claim 26 dependent on claim 24.

During said telephone interview, Examiner Manoharan said that there was an error in the statement of the above obviousness rejection. Examiner Manoharan said that the above rejection should have read as follows:

"Claims 24, 26/24 and 27 are rejected under
35 USC 103(a)...."

Claim Amendments

Claim 26 was amended into independent form by inclusion of the features of claim 25.

Claim 28 is supported by Fig. 3 and was amended into independent form by inclusion of the features of claim 27.

Claim 28 was also amended to reply to the 35 USC 112, second paragraph rejection, which is discussed hereinbelow.

Claim 28 was further amended to recite "a liquid medium recovery device for recovering a liquid medium" which is supported in the specification on the last full paragraph bridging pages 11 and 12 of the specification.

Claims 24, 25, 27 and 29 to 37 were canceled.

Rule 116

With respect of 37 CFR 1.116, entry of the above amendments is respectfully requested, since such amendments include features which were set forth in the claims prior to the final rejection, or are in response to the 35 USC 112, second paragraph rejection set forth for the first time in the final rejection.

Drawings

It is respectfully requested that the Examiner approve the drawings.

Allowable Subject Matter

The following was stated on page 4, lines 10 to 13 of the Office Action:

"Claims 26/25 [the combination of claims 24 and 25] and 28 (recited more in terms of structure, i.e., reciting positively the double helical pipe and spiral pipe) are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

Following the Examiner's suggestion, claim 28 was amended hereinabove more in terms of structure.

Rejection Under 35 USC 112, Second Paragraph

Claims 24 to 37 were rejected under 35 USC 112, second paragraph, as being indefinite for the reasons set forth on page 2 of the Office Action.

It is respectfully submitted that the above claim amendments avoid the 35 USC 1212, second paragraph rejection.

Withdrawal of the 35 USC 112, second paragraph rejection is respectfully requested.

Rejections Under 35 USC 103

Claims 24-26/24 and 27 to 29 were rejected under 35 USC 103 as being unpatentable over JP 55-102401 with or without JP 2000-185201 or Rajakovics et al. (USP 4,043,875) for the reasons set forth at the top of page 3 of the Office Action.

As discussed hereinabove, during said telephone interview with Examiner Manoharan, the Examiner said that there was an error in the statement of the above obviousness rejection. Examiner Manoharan said that the above rejection should have read as follows:

"Claims 24, 26/24 and 27 are rejected
Under 35 USC 103(a)...."

Claims 25, 29, 30 and 31 were rejected under 35 USC 103 as being unpatentable over JP 55-102401 with or without JP 2000-185201 or Rajakovics et al. (USP 4,043,875) and further in view of Neal et al. (USP 4,983,260) with or without Glover (USP 3,607,662) or Theiler (USP 2,095,578) for the reasons set forth beginning at the middle of page 3 and continuing to the top of page 4 of the Office Action.

Claims 32 to 37 were rejected under 35 USC 103 as being unpatentable over JP 55-102401 in view of Neal et al. (USP

4,983,260) and further in view of Sussmeyer et al. (USP
4,584,062) for the reasons set forth on page 4, lines 5 to 9 of
the Office Action.

It is respectfully submitted that each of the above 35 USC
103 rejections is rendered moot by the above claim amendments.

Withdrawal of each of the 35 USC 103 rejections is
respectfully requested.

Reconsideration and allowance of the above-identified
application are respectfully solicited.

If the Examiner has any comments, questions, objections or
recommendations, the Examiner is invited to telephone the
undersigned at the telephone number given below for prompt
action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard S. Barth", with a large, stylized loop at the end.

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